MAHARAJ): (a) to (d) The attachment and disposal of properties to make recoveries of dues of banks is governed by the extant satutory provisions. Normally, both the public sector banks and private banks require orders of a competent court or trbunal before attachment/ disposal of properties in order to effect recoveries of their debts. Banks, also take recourse to Debt Recovery Tribunals, which provide, for a simplified procedure for this purpose.

Further, in several states, recovery of agricultural advances/advances under the Government sponsored schemes of public sector banks may be made as arrears of land revenue. The advances of cooperative banks may also, if enabling provisions exist in the relevant State enactment and bye-laws, be effected as arrears of land revenue.

The policy in this regard, which is reviewed periodically, has to judiciously weight the need for providing a mechanism for quick recoveries of dues of banks and the requirements of due process and has to be consistent with the requirements of the Constitution and should be underpinned in public interest.

Customs/Excise Concessions to Large, Medium and Small Scale Industries

705. SHRI JANARDHANA POOJARY: Will the Minister of FINANCE be pleased to state:

(a) the amount of concessions granted to large, medium an£ small scale industries in customs duty, central excise, income tax, etc. in 1997-98 budget; and

(b) why was the above concessions given to the industries not reflected in the 1997-98 budget?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATPAL MAHARAJ): (a) and (b) Data regarding amount of concessions granted to large, medium and Small Scale Industries are not maintained separately. The concessions given to industries are duly reflected in the 1997-98 budget.

Gold Imported Through International Airports

706. SHRI RAMACHANDRAN PILLAI: SHRIMATI CHANDRA KALA PANDEY:

Will the Minister of FINANCE be pleased to state:

(a) the quantum of gold imported through international airports in India as per new gold import policy to import 5 kg/10 kg. of gold on payment of customs duty by NRIs during the year 1994-95, 1995-96 and 1996-97; and

(b) whether any irregularity in the operation of this scheme have come to the notice of Government?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATPAL MAHARAJ): (a) The quantum of gold imported by NRIs through international airports in India during the last three years is as under:

Year	*Qty. (in tonnes)*
1994-95	186.805
1995-96	211.526
1996-97	285.499

(b) No major contravention of the provisions of the scheme as notified by the Ministry of Commerce under the Foreign Trade (Exemption from Application of Rules in certain cases) order, 1993 has been noticed.

Delay in Implementation of Fifth Pay Commission Report

707.DR. B.B. DUTTA: Will the Minister of FINANCE be pleased to state:

(a) whether there has been inordinate delay in implementing the Fifth Pay Commission Report;

(b) if so, the reasons therefor;

(c) whether Government employees have started agitation for not implementing the said report;

(d) if so, the reaction of Government thereto; and

(e) the steps being taken by Government for the early implementation of Fifth Pay Commission Report?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATPAL MAHARAJ): (a) to (e) The Government have already taken decisions on the major recommendations of the Fifth Central Pay Commission on 18th July, 1997.

Replacement of FERA by FEMA

708. SHRI NARENDRA MOHAN; Will the Minister of FINANCE be pleased to state:

(a) whether the Foreign Exchange Regulation Act (FERA) is to be replaced by Foreign Exchange Management Act (FEMA);

(b) if so, whether with this replacement, FERA cases would be shelved; and

(c) if so, whether this will not give unintended benefits to offenders under FERA?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATPAL MAHARAJ): (a) to (c) The Government proposes to repeal FERA, 1973 and replace it by Foreign Exchange Management Act, (FEMA), the draft of which is under consideration of the Government.

Steps to ensure transparency of rules/ regulations relating to customs

709. SHRI PARMESHWAR KUMAR AGARWALLA: Will the Minister of FINANCE be pleased to state:

(a) what action has been taken by Government to make ruels, regulations, procedures, guidelines, etc. relating to Customs to make them transparent and unambiguous in the liberalised regime;

(b) whether there are any litigations/ disputes due to non-transparency of such rules, regulations etc. and therefore, requiring clarifications, interpretations etc;

(e) if so, their number during each of last three years; and

(d) what action has been taken to settle the litigations/disputes expeditiously to unable smooth functions of the system in the liberlised regime?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATPAL MAHARAJ): (a) To make the rules, regulations and procedures more transparent and user friendly, active consultation is undertaken with the Trade and Industry Associations and other Ministries before these are framed and notified. In addition, the reactions of different user groups are obtained and discussed in Open Houses, Customs & Excise Adivisory Council, Regional Advisory Councils and Public Grievance Committee to improve and amend the rules, regulations etc.

(b) to (d) Litigation and disputes in tax matters generally arise on account of differences in interpretation where there is a claim for duty concession or in the area of classification and valuation of the goods. There is hardly any litigation on account of non-transparency of Rules and Ragulations.

Application of the concept of unjust enrichment

710, SHRI PARMESHWAR KUMAR AGARWALLA: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that concept of "unjuset enrichment" is applicable only on cases of customs duty and excise duty:

(b) if not, which are the other areas on which this concept is applicable;

(c) under what circumstances excess duties/ charges collected by Customs/Excise Departments are not refunded, taking shelter under "unjust enrichment" concept and even after receipt of requisite clarifications/ judgements in favour of assessees;

(d) whether such excess amounts collected are not refundable, even when assessees produce documentary or other evidence showing that burden has not been shifted to clients/ consumers; and

(e) if not, the reasons therefor?